



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400476

Applicant Name : Paul Tomita

Address of Proposal: 1516 Queen Anne Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit for construction of a one-story 500 square foot addition for equipment to an existing major communications utility building (KIRO TV) in an environmentally critical area.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject site is the KIRO Television Queen Anne Transmitter Tower facility. This approximately 14,003 square foot (sq. ft.) rectangular site is located in a Neighborhood Commercial 2 (NC2-40') zone, between Queen Anne Avenue North and Galer Place North. A television antenna tower, one-story transmitter building and associated parking currently resides on the site. The site is accessed via Queen Anne Avenue North which is a minor arterial, paved with curbs, gutters and sidewalks. Most of

the site is relatively flat but a portion of the site is identified as Environmentally Critical Area (ECA)- Steep Slope. An upper and lower rockery system covered with vegetation is located on the east side of the site where a significant elevation change occurs within 30' from the easternmost property line fronting on Galer Place North. Galer Place North is a 16' wide named alley with an 8' paved roadway for only a portion of the site.

Adjacent zoning surrounding the site is as follows:

North	Neighborhood Commercial (NC 2-40')
East	Single Family 5000 (SF 5000)
South	Neighborhood Commercial (NC 2-40')
West	Neighborhood Commercial (NC 2-40')

Adjacent uses are as follows

North	Mixed use retail/office building
East	Single Family Residential
South	Commercial auto repair garage
West	Mixed use retail/restaurant/office building

Proposal

The applicant proposes to construct a 500 sq. ft. one-story addition to an existing 2,637 sq. ft. television transmitter building. The proposed usage of this area will be to provide storage for additional high definition broadcast equipment required by the Federal Communication Commission (FCC). The new addition with rooftop HVAC mechanical equipment above will be located on the northeast corner of the existing building and adjacent to the existing rockery. Per the applicant, the proposed addition is designed to match the materials, construction and color of the existing facility. A portion of the existing chain link fence will be removed in order to accommodate the proposed addition.

Public Comments

The required public comment period ended on April 28, 2004. DPD received no written comments regarding this proposal.

ANALYSIS - SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 10, 2004. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by James A. Mattoon, P.E. dated February 9, 2004. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DPD. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

The long-term impacts are typical of commercial development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface; and the Regulations for Environmentally Critical Areas.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

Signature: (signature on file) Date: August 2, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development
Land Use Services